

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNITED STATES OF AMERICA §
§
vs. § NO. 2:03CR17
§
ANTHONY TYRONE LEE §

**REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

On May 15, 2008, the court held a hearing on the government's petition (#29) to revoke supervised release. The government was represented by Assistant United States Attorney Ms. Denise Simpson. The defendant was represented by Mr. Wayne Dickey.

Anthony Tyrone Lee was sentenced on June 22, 2004, before the Honorable T. John Ward, United States District Judge for the Eastern District of Texas – Marshall Division, after pleading guilty to the offense of felon in possession of a firearm. This offense carried a statutory maximum imprisonment term of 10 years. The guideline imprisonment range, based on a total offense level of 19 and a criminal history category of IV, was 46 to 57 months. Anthony Tyrone Lee was subsequently sentenced to a term of 52 months imprisonment followed by three (3) years of supervised release subject to the standard conditions of release, plus special conditions to include drug aftercare. On May 22, 2007, Anthony Tyrone Lee completed his period of imprisonment and began service of the supervision term.

On December 12, 2007, the instant petition to revoke was filed. In its petition, the government alleges the defendant violated the following conditions:

- 1) The defendant shall not commit another federal, state or local crime. Specifically, the

government alleges as follows: On or about July 15, 2007, Anthony Tyrone Lee was arrested for the offense of Unlawful Possession of a Firearm by a Felon. On October 31, 2007, the defendant pled guilty to the offense of Unlawful Possession of a Firearm by Felon. Mr. Lee was subsequently sentenced to four years in the Institutional Division of the Texas Department of Corrections.

2) The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. Specifically, the government alleges as follows: On or about July 15, 2007, Anthony Tyrone Lee was arrested for the offense of Unlawful Possession of a Firearm by a Felon. On October 31, 2007, the defendant pled guilty to the offense of Unlawful Possession of a Firearm by Felon. Mr. Lee was subsequently sentenced to four years in the Institutional Division of the Texas Department of Corrections.

The court scheduled a revocation hearing for May 15, 2008. At the hearing on the government's petition, and after consenting to the undersigned's taking the plea, the defendant pled true to both allegations as set forth above. Based on the defendant's plea of true to both allegations, and with no objection by the defendant or the government, the court found that the defendant did violate his conditions of supervised release as alleged in the U.S. Probation Office's petition.

The court thereafter recommended that the defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of 14 months consecutive to the sentence that the defendant received from the 71st Judicial District Court of Harrison County, Texas, case number 07-03-09X, with no term of supervised release to follow such term of imprisonment. Based on the foregoing, it is

RECOMMENDED that the defendant's plea of true to the first and second allegations as set forth in the government's petition be **ACCEPTED**. Based upon the defendant's plea of true to

these allegations, it is further recommended that the court find that the defendant violated the conditions of his supervised release. It is further

RECOMMENDED that the defendant's supervised release be **REVOKED**. It is further

RECOMMENDED that the defendant be committed to the custody of the Bureau of Prisons, to be imprisoned for a term of 14 months, consecutive to the sentence imposed by the 71st Judicial District Court of Harrison County, Texas, case number 07-03-09X, with no term of supervised release to follow such term of imprisonment. It is further

RECOMMENDED that the court request that the Bureau of Prisons place the defendant in its Texarkana, Texas, facility during the term of his confinement.

At the conclusion of the revocation hearing, the parties waived their right to object to the undersigned's report and recommendation.

SIGNED this 29th day of May, 2008.



Charles Everingham
CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE